

# United States Senate

WASHINGTON, DC 20510

June 21, 2007

The Honorable Dr. Robert M. Gates  
Secretary of Defense  
The Pentagon  
Washington, D.C. 20301

Dear Secretary Gates:

We urge you to conduct a thorough and independent review of the personality disorder discharge process across the Armed Forces. We are concerned over continuing reports from Veterans' Service Organizations, the media, and individual U.S. service personnel that personality disorder discharges have been implemented inappropriately and inconsistently. There are indications that personality disorder discharges are being used as a tool to discharge expeditiously U.S. service personnel who have service-connected injuries, such as Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI). Even more troubling is the perception that the U.S. military is using these discharges to avoid disability and medical benefits payments.

The *Washington Post* deftly illustrated an example of this problem on June 17, 2007 in a piece entitled "*The War Inside*." According to the *Post*—after serving a combat tour in Iraq—Army Specialist Jeans Cruz returned to Ft. Hood, Texas crippled by the mental anguish of his combat experience. Notes from his medical files indicate "major depression," and "anger from Iraq, nightmares, flashbacks." The Army was so concerned that it even went so far as to have Spc. Cruz sign a "Life Maintenance Agreement," a document stating that he agreed "not to harm himself or anyone else." But the Army ultimately discharged Spc. Cruz with a "personality disorder," in essence finding that Spc. Cruz's medical problems had nothing to do with his service in Iraq.

Since personality disorder discharges are considered "pre-existing," personnel discharged under these provisions cannot collect disability benefits and may not receive medical care from the Department of Veterans Affairs for these "pre-existing" illnesses. Spc. Cruz experienced this firsthand. On August 16, 2006, Spc. Cruz received a letter from the VA stating that he had been denied disability pay.

To make matters worse, military personnel given a personality disorder discharge who have not fulfilled their service contracts can find themselves forced to repay thousands of dollars in reenlistment bonuses back to the federal government. This can result in debilitating debt for military personnel and their families—many of whom supported our forces over many years of service and endured significant strain as a result of frequent and protracted combat deployments.

Defense Department records indicate that over 22,500 personality disorder discharges have been processed within the past six years. While this represents a small percentage of overall discharges, their inappropriate use and debilitating impact on personnel once discharged is cause for grave concern.



Another egregious example of misuse was chronicled by reporter Joshua Kors on March 29, 2007 in a piece entitled: "*How Specialist Town Lost his Benefits.*" A copy of the article is attached for your review. On October 19, 2004, Spc. Jon Town was injured and sustained major loss of hearing in a rocket attack in Ramadi, Iraq. His injuries ultimately resulted in memory loss and depression, ending his military career. But instead of sending Spc. Town through the medical board process—an in-depth medical review of a service member's fitness that often results in the award of disability payments and allows injured personnel and their families to remain eligible for medical benefits after active service ends—the command at Ft. Carson, Colorado elected to give Spc. Town a personality disorder discharge. This action deprived Spc. Town of disability benefits and guaranteed VA care for his injuries once he was discharged from the Army.

While the Army claims to have thoroughly evaluated and reviewed the Town case, we understand that neither Spc. Town nor his fellow soldiers, who were aware of the rocket attack and his resulting injuries, were contacted to discuss the case. Hence in this situation, and we fear potentially in others, the Army review was inadequate and anything but thorough. Consequently, serious questions remain unanswered about the use, or abuse, of the personality disorder discharge and a chain-of-command that allows the inappropriate use of the discharge to continue even as members of Congress from both parties seek to review the practice and the media points out the glaring inconsistencies in the manner in which the personality discharge is administered.

Like many veterans' advocates, we are skeptical about an administrative process that suddenly diagnoses military personnel who have honorable military records, such as Spc. Cruz and Spc. Town, with pre-existing personality disorders that reportedly become apparent only after combat service in Iraq and Afghanistan. We are particularly concerned that combat forces at the unit level and above are inadequately equipped to diagnose, treat, and work with personnel assessed with brain-related injuries and that the mechanisms tasked with handling the discharge process and meeting unit manning requirements are also overwhelmed.

Therefore, we urge you to conduct a thorough and independent review of the personality discharge process and to implement appropriate measures to prevent the repeat of cases like Spc. Cruz's and Spc. Town's in the future. We also urge you to support the creation of a Special Discharge Review Board to assist the Board for Correction of Military Records for each service in reviewing petitions from personnel discharged for personality disorders with honorable service records in Iraq and Afghanistan.

As the Walter Reed Army Medical Center hearings demonstrated, the American people will not tolerate substandard treatment and rehabilitative care for those who have served. As members of the United States Senate, we have an obligation to ensure that our service personnel and their families receive the benefits and care they are entitled to. We are eager to work with the Department of Defense on the issues we have outlined and look forward to hearing from you. Should your staff have additional questions, please direct them to James Pitchford of Sen. Bond's staff at (202) 224-5721 or Ann Norris of Sen. Boxer's staff at (202) 224-1659.

Sincerely,

Three handwritten signatures in blue ink are positioned at the bottom of the page. The first signature on the left is clearly legible as "J. Bond". The middle signature is more stylized and appears to be "Ann Norris". The signature on the right is also stylized and appears to be "James Pitchford".



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